

PERLEY M. LEWIS

IBLA 71-176

Decided August 6, 1971

Rules of Practice: Appeals: Dismissal

An appeal to the Board of Land Appeals will be dismissed when the appellant fails to file a statement of reasons in support thereof within the time required.

3 IBLA 405

IBLA 71-176 :

Arizona 025647

PERLEY M. LEWIS

: Public sale application
: rejected

: Appeal dismissed

DECISION

On January 29, 1971, Perley M. Lewis filed notice of appeal to the Board of Land Appeals from a decision dated December 28, 1970, in which the Arizona land office, Bureau of Land Management, rejected his application Arizona 025647 for public sale of an isolated tract containing 80 acres in S 1/2 SW 1/4 section 33, T. 13 S., R. 12 E., G&S.R.M., Arizona. The application was rejected because the land had been classified for retention in federal ownership.

The notice of appeal gave no reasons therefor. Consequently, a statement of reasons was required to be filed within 30 days after filing of the notice of appeal. 43 CFR 4.412. The appellant was aware of this requirement, as he timely requested several extensions of time for submission of the statement of reasons.

The final extension of time expired July 16, 1971, and the ten-day grace period afforded by 43 CFR 4.401(a) has since elapsed, but no statement of reasons has been filed, and no explanation of the appellant's failure to comply with the regulation has been submitted. Therefore, the appeal is subject to summary dismissal. 43 CFR 4.402(a).

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior (211 DM 13.5; 35 F.R. 12081), the appeal is dismissed.

Newton Frishberg, Chairman

We concur:

Edward W. Stuebing, Member

Anne Poindexter Lewis, Member

